

CALENDAR ITEM

C12

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12/18/15

S 1

PRC 3693.1
S. Kreutzburg

**TERMINATION OF A RECREATIONAL PIER LEASE AND
ISSUANCE OF A GENERAL LEASE – RECREATIONAL USE**

LESSEE:

George T. Gibson and Sally Caroline Gibson, Co-Trustees of Community Property Trust under document entitled "Trust Agreement and Declaration of Trust" dated November 24, 1982; George T. Gibson, Donald Beverly Gibson, David Ivan Gibson, and Sally Caroline Gibson

APPLICANT:

SDD Douglas Boulevard, LLC, a California limited liability company

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Lake Tahoe, adjacent to 5448 North Lake Boulevard, Carnelian Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier previously authorized by the Commission, and the use and maintenance of an existing freshwater intake pipeline not previously authorized by the Commission.

LEASE TERM:

10 years, beginning December 18, 2015.

CONSIDERATION:

\$1,003 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On April 17, 2006, the Commission authorized a Recreational Pier Lease to George T. Gibson and Sally Caroline Gibson, Co-Trustees of

CALENDAR ITEM NO. **C12** (CONT'D)

Community Property Trust under document entitled "Trust Agreement and Declaration of Trust" dated November 24, 1982; George T. Gibson, Donald Beverly Gibson, David Ivan Gibson, and Sally Caroline Gibson. That lease will expire on January 22, 2016. On May 26, 2015, interest in the littoral parcel was transferred to SDD Douglas Boulevard, LLC, a California limited liability company. The Applicant is now applying for a General Lease – Recreational Use.

3. Staff recommends termination of the existing lease because the Lessee abandoned the lease by selling the upland property without executing a quitclaim deed.
4. The freshwater intake pipeline has existed for many years in Lake Tahoe, but was not previously authorized by the Commission. Staff recommends authorization of this improvement.
5. Staff recommends that the Commission accept compensation in the amount of \$575 for the unauthorized occupation of State land for the period beginning May 26, 2015, when the Applicant took ownership, through December 17, 2015.
6. Termination of the lease is not a project as defined by the California Environmental Quality Act (CEQA) because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378, subdivision (b)(5).

7. The staff recommends that the Commission find that the issuance of the lease is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

8. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

CALENDAR ITEM NO. **C12** (CONT'D)

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the issuance of the lease is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

1. Authorize termination, effective December 17, 2015, of Lease No. PRC 3693.9, a Recreational Pier Lease, issued to George T. Gibson and Sally Caroline Gibson, Co-Trustees of Community Property Trust under document entitled "Trust Agreement and Declaration of Trust" dated November 24, 1982; George T. Gibson, Donald Beverly Gibson, David Ivan Gibson, and Sally Caroline Gibson.
2. Authorize acceptance of compensation in the amount of \$575 for the unauthorized occupation of state lands, for the period of May 26, 2015, through December 17, 2015.
3. Authorize issuance of a General Lease – Recreational Use to SDD Douglas Boulevard, LLC, a California limited liability company, beginning December 18, 2015, for a term of 10 years, for the continued use and maintenance of an existing pier previously authorized by the Commission and use and maintenance of an existing freshwater intake pipeline not previously authorized by the Commission, as described in Exhibit A and shown on Exhibit B (for reference purposes only), attached and by this reference made a part hereof; annual rent in the amount of \$1,003, with an annual Consumer Price Index adjustment; and liability insurance in the amount of \$1,000,000 per occurrence.

EXHIBIT A

PRC 3693.1

LAND DESCRIPTION

Two parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to Lot 1 of fractional Section 22, Township 16 North, Range 17 East, M.D.B.&M., as shown on Official Government Township Plat approved November 10, 1865, County of Placer, State of California, more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier and catwalk lying adjacent to those parcels described in Quitclaim Deed recorded May 26, 2015 as Document Number 2015-0043179 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

PARCEL 2 – EXISTING FRESH WATER IN-TAKE PIPE LINE

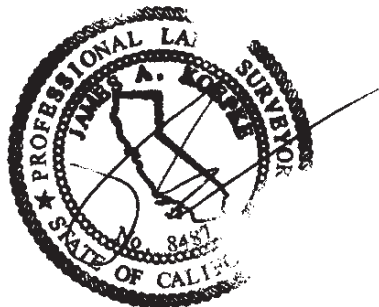
All those lands underlying an existing fresh water in-take pipe line lying adjacent to said parcels.

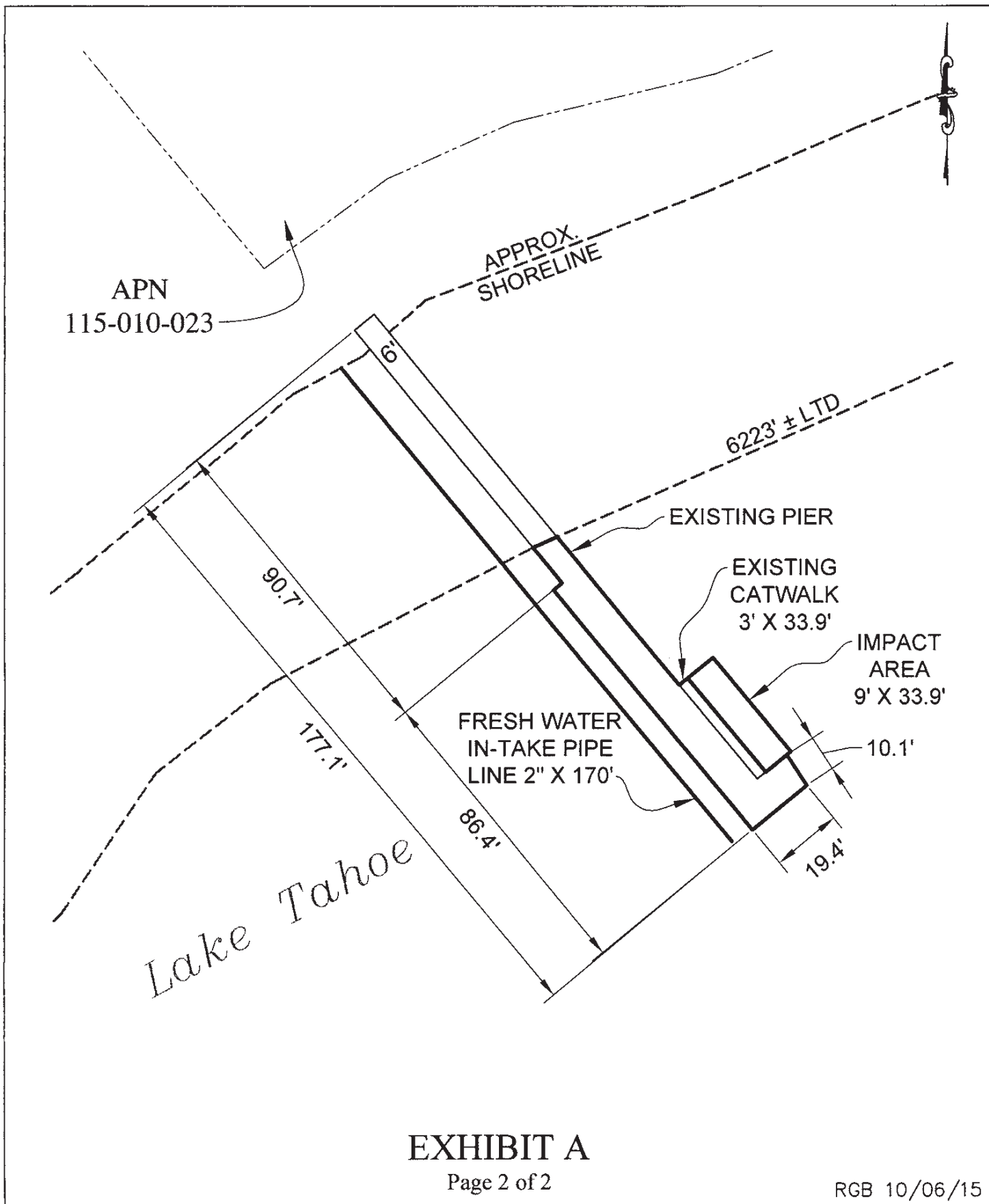
EXCEPTING THEREFROM any portion lying landward of elevation 6223 feet LTD on the shoreline of said Lake Tahoe.

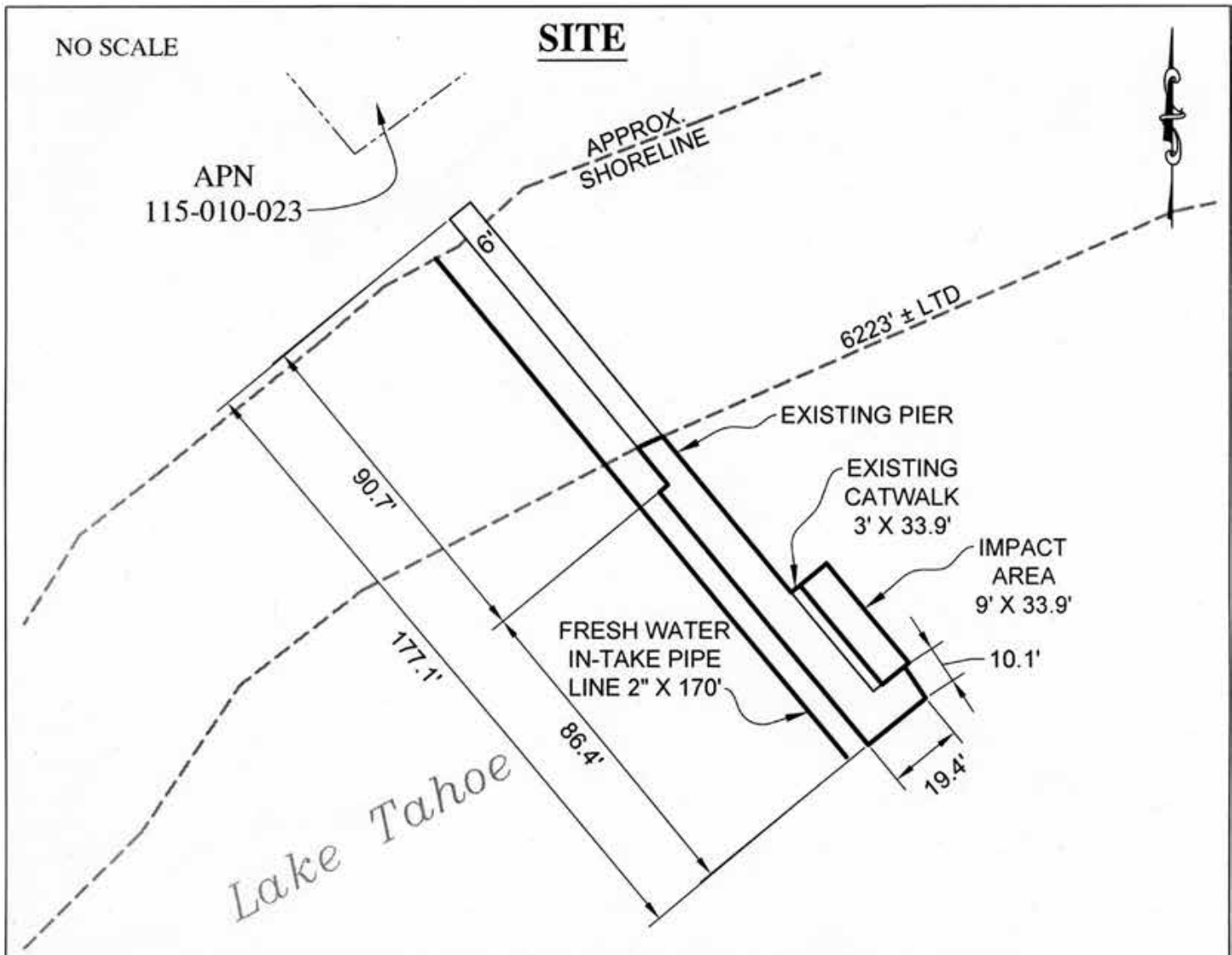
Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 10/07/2015 by the California State
Lands Commission Boundary Unit.







5448 NORTH LAKE BOULEVARD, CARNELIAN BAY



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B

PRC 3693.1
SDD DOUGLAS
BOULEVARD, LLC
APN 115-010-023
GENERAL LEASE -
RECREATIONAL USE
PLACER COUNTY



RGB 10/06/15